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VIA ECF

September 16, 2014

Honorable Brian M. Cogan, United States District Judge
United States District Court, Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Linde v. Arab Bank, PLC*, 04-CV-2799 (BMC) (VVP), and related cases

Dear Judge Cogan:

Arab Bank plc moves to strike the following testimony by Mohammad Al-Tahan, presented by Plaintiffs in their Excerpt 9 of deposition testimony (PX4793), because it is misleading and incomplete in the absence of Mr. Tahan's corrected answer given in that same deposition:

276:16 Q. BY MR. WERBNER: And similarly, in 2001 to 2003,
276:17 did you see on television and other places a Mr. Ismail
276:18 Haniyeh as being a leader of the Hamas organization?
276:20 THE WITNESS: Yes.

Mr. Tahan corrected this answer during his deposition as follows:

285:16 THE WITNESS: Sir, you asked me about my
285:17 knowledge between the years 2001 and 2003 of Ismail
285:18 Haniyeh. I don't know him during that period, but now he
285:19 is the prime minister of Hamas government, and everyone
285:20 knows him in that capacity.

(Attached below as Exhibit A.) The Bank had objected to Plaintiffs' designation of 276:16-276:20, but that objection was overruled. (Order, dated Aug. 27, 2014 (ECF No. 1043), at 15.)

The rule of completeness for recorded statements, Fed. R. Evid. 106, as well as Fed. R. Evid. 611(a), require complete statements to avoid misleading the jury. *United States v. Castro*, 813 F.2d 571, 575-76 (2d Cir.), *cert. denied*, 484 U.S. 844 (1987). Accordingly, the Court should either strike 276:16-20 or require that the complete testimony on this question, 276:16-20 and 285:16-20, be made available to the jury.



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Page Two

Respectfully submitted,
DLA Piper LLP (US)

/s/
Shand S. Stephens

cc: all counsel (via ECF)